



TOWN OF ROCKLAND REQUEST FOR PROPOSALS FOR LAND USE COUNSEL SERVICES

I. OBJECTIVE

The Board of Selectmen in the Town of Rockland, Massachusetts, seeks to appoint, on an at-will basis, a highly qualified attorney/law firm as Land Use Counsel from January 1, 2010 to June 30, 2010. The successful appointee shall meet or exceed the qualifications stated herein and, in general, shall be readily accessible to authorized public officials, exceptionally experienced in, zoning laws and bylaws, planning laws, rules, and regulations, and conservation state laws, and local bylaws.

II. MINIMUM QUALIFICATIONS

A. Bar Admissions

The appointee and all those who serve as back-up to the appointee (see below) must be a member in good standing of the Massachusetts Bar and of the Federal Bar for the District of Massachusetts.

B. Experience

The appointee must represent or have represented as Land Use Counsel (or functional equivalent) a minimum of one (1) Massachusetts municipality. References for all municipalities currently represented or represented in the past ten (10) years by the appointee must be furnished. The appointee also must have substantial experience in the areas of zoning and planning.

Accessibility

The appointee must commit to returning all calls, faxes or emails from authorized officials either himself/herself or through a qualified back up within twenty-four (24) hours of the call, excluding weekends or holidays. The appointee must also commit, as a general rule, to responding to requests for written opinions within one (1) week unless the circumstances of the opinion warrant a shorter or longer time frame for a response.

Back-up

The appointee must have, within his or her firm or through an established relationship, at least one (1) other qualified attorney available to render advice and otherwise represent the interests of the Town of Rockland when the appointee is unavailable. In this context, "qualified attorney" shall mean another lawyer who substantially meets the minimum qualifications set forth herein for the appointee. Appointee must have prior approval from the Town of Rockland.

C. Billing

The appointee must commit to providing statements for services rendered on a monthly basis. Each statement, if based on an hourly rate for services, must disclose, at a minimum, the date of the service, the identity of the lawyer or staff person performing the service, the subject matter reference for the service, a description of the service performed, the time it took to perform that function, and the hourly rate for the individual performing the function. Expense items must also be itemized.

D. Insurance

The appointee must provide an accepted certificate of liability insurance upon appointment.

III. FEES AND EXPENSES

The Board of Selectmen would be pleased to consider alternatives to the traditional hourly rate fee arrangement with land use counsel. As but one example, responding attorneys may propose a fixed retainer for a specified scope of services, with an hourly rate for work outside the established scope of services. Responding attorneys should feel free to be creative in this regard so long as the proposal is workable and reasonable.

Whether or not an alternative fee arrangement is proposed by the responding attorney, the attached fees and expenses response sheet must be completely filled out.

IV. SELECTION

In seeking Land Use Counsel, the Town is not bound by M.G.L. c.30B or by any other constraints apart from the sound judgment of its members. This process is being used to communicate the desired qualifications of Land Use Counsel and to solicit information in an orderly fashion for rough comparative purposes. Ultimately, the Board of Selectmen will select the candidate that it deems to be in the best interests of the Town, in their sole discretion. Consequently, the Board of Selectmen, Land use Subcommittee, and the Town of Rockland reserve the right to waive any irregularities in the RFP process and to accept or reject any or all proposals.

- A. Please provide a description of your firm's fee structure, including billing rates for attorney and paralegals that will be providing the specified services.
- B. Indicate whether you intend to use the services of other attorneys. Indicate the nature of any arrangements with such attorneys and include the names and resumes of each of them.

V. APPLICATION

This packet will be available at the Rockland Town Hall Selectmen's office, 242 Union Street, Rockland, MA, phone number 781-871-1874 ext.100. The hours of the Rockland Town Hall are Monday thru Friday 8:30am to 4:30pm. The packet will be available to be picked up or downloaded from the Town of Rockland website at www.rockland-ma.gov after September 22, 2009 at 8:30am. Qualified attorneys interested in responding to this RFP shall fill out the attached forms completely, attach all documents requested therein. Filing shall correspond to the section and subsection of the RFP and be placed in a 2 inch 3 ring binder. Each page shall have a header and footer identifying the name of the firm, the section number and letter. Six (6) full copies will need to be provided, and returned to the following:

Allan Chiocca
Town Administrator
242 Union St.
Rockland, MA 02370

All responses to this RFP must be received at the above address no later than Friday, October 30, 2009 at 4 p.m.

VI.

RESPONSE TO REQUEST FOR PROPOSALS FOR ROCKLAND LAND USE COUNSEL

NAME: _____

FIRM NAME: _____

ADDRESS: _____

TELEPHONE: _____ FAX: _____

EMAIL: _____

Please respond to each of the following, using additional pages as necessary:

- A. Please identify by name (address and phone number if different than above) the proposed Land Use counsel and each proposed back-up counsel. The Board of Selectmen wants to know the specific individual attorney who will primarily deal with Rockland.

- B. Please attach resumes for each attorney identified above. Please include education.

- C. Do each of the attorneys identified above meet the minimum bar admission requirements of the RFP? If other than “yes”, please explain.

- D.** With respect to each attorney identified, please list each and every Massachusetts municipality represented by the attorney within the past twenty (20) years, the years of such representation, and the name, address and phone number of at least one contact person in each municipality with knowledge of the attorney's representation.
- E.** Please summarize each identified attorney's experience in the areas of land use, zoning, planning, and conservation.
- F.** Please describe each identified attorney's experience in the areas of M.G.L. Chapter 40A, 40B, and, 40R, Planned Unit Development, Form A's, and subdivision control law.
- G.** Please describe each identified attorney's experience in the areas drafting town meeting articles for zoning changes, drafting town meeting articles for new zoning bylaws, changing current zoning bylaws, and changing current planning board rules and regulations.

H. Please describe how you propose to satisfy the accessibility requirements of the RFP.

I. Please describe how you propose to satisfy the back-up requirements of the RFP.

J. State whether you have represented a client in the preceding three (3) years who has or had a matter pending before any officer, agency board or committee of the Town of Rockland.

K. Confirm that you will not, during the time plus one (1) year after being discharged of your representation of the Town of Rockland, represent any client in any matter in which the interests of the client are adverse to those of the Town, or in any matter seeking action by any officer, agency, board or committee of the Town, in accordance with M.G.L. 44A c268A s17.

L. Provide a general description of the firm, its history, significant changes in its makeup over the last three (3) years and its range of business.

M. Provide the names, addresses, and phone numbers of up to three municipal references that the Town may contact with respect to your qualifications.

N. Provide details of any criminal investigation, regulatory or disciplinary proceedings or material litigation against your firm or members of your firm, which is either pending or has been completed in the preceding three (3) years.

O. Provide details as to the nature and amounts of your firm's professional insurance and of any claims asserted or made against such coverage in the preceding three (3) years.

By my signature, I certify that the information contained in this Response to Request for Proposals are complete and accurate, to the best of my knowledge and belief.

Signed: _____ Date: _____

VII.

RESPONSE TO REQUEST FOR PROPOSALS FOR ROCKLAND LAND USE COUNSEL Fees and Expenses Response Sheet

A. Please list the name and rates for proposed Land Use Counsel and for each attorney intended or likely to serve as back-up. Please supply the following fee structure.

1. Hourly Rate
2. Meeting Rate
3. Monthly Rate
4. Litigation Rate

B. If you propose to bill for services provided by paralegals, clerical staff, or other non-attorney personnel, please list by title and by hourly rate each position for whom you may bill.

C. Please provide a complete listing of all charges for expenses you intend to impose as incurred, but excluding any fees for stenographers, court fees, service fees and the like.

1. Copies
2. Telephone calls
3. E-mail
4. Faxes
5. Mileage

D. In what hourly increments do you intend to bill?

E. Do you intend to propose an alternative fee arrangement? Yes____ No____ If “yes”, please attach additional sheet(s) fully describing and explaining your proposal